

| UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO SENTENCING MINUTE SHEET | | | | | | | | | | | |
|--|--|---------------------------------|--|---|---|----|--------------------|-----------------------|------------|--------|--|
| CR No: | 17-367 JAP | | | USA vs.: | Cayatineto | | | | | | |
| Date: | 4/26/18 | | | Name of Deft: | Valerie Cayatineto | | | | | | |
| Before the Honorable: | | | | James A. Parker | | | | | | | |
| Time In/Out: | 3:23 p.m. – 4:38 p.m. | | | Total Time in Court (for JS10): | 1 hr 15 minutes | | | | | | |
| Clerk: | J. Gonzales | | | Court Reporter: | John DeLaRosa | | | | | | |
| AUSA: | Elisa Dimas | | | Defendant's Counsel: | Susan Porter | | | | | | |
| Sentencing in: | Abq. | | | Interpreter: | | | | | | | |
| Probation Officer: | Sandra Day | | | Sworn? | | | Yes | | | No | |
| Convicted on: | X | Plea | | Verdict | As to: | | Information | X | Indictment | | |
| If Plea: | X | Accepted | | Not Accepted | Adjudged/Found Guilty on Counts: | | | | | | |
| If Plea Agreement: | | Accepted | | Not Accepted | No Plea Agreement | | Comments: | | | | |
| Date of Plea/Verdict: | 5/31/17 | | | PSR: | | | Not Disputed | X | Disputed | | |
| PSR: | X | Court Adopts PSR Findings | | | Evidentiary Hearing: | | | Not Needed | X | Needed | |
| Exceptions to PSR: | | | | | | | | | | | |
| SENTENCE IMPOSED | | | | Imprisonment (BOP): 37 months | | | | | | | |
| Supervised Release: | 3 years | | | Probation: | | | X | 500-Hour Drug Program | | | |
| Court recommends ICE begin removal proceedings immediately or during service of sentence | | | | | | | ICE not applicable | | | | |
| SPECIAL CONDITIONS OF SUPERVISION | | | | | | | | | | | |
| | No re-entry without legal authorization | | | | Home confinement for ____ months ____ days | | | | | | |
| | Comply with ICE laws and regulation | | | | Community service for ____ months ____ days | | | | | | |
| X | Participate in/successfully complete subst abuse program/testing | | | | Reside halfway house ____ months ____ days | | | | | | |
| X | Participate in/successfully complete mental health program | | | | Register as sex offender | | | | | | |
| X | Refrain from use/possession of alcohol/intoxicants | | | | Participate in sex offender treatment program | | | | | | |
| X | Submit to search of person/property | | | | Possess no sexual material | | | | | | |
| | No contact with victim(s) and/or co-defendant(s) | | | | No computer with access to online services | | | | | | |
| | No entering or loitering near victim's residence | | | | No contact with children under 18 years | | | | | | |
| X | Provide financial information | | | | No volunteering where children supervised | | | | | | |
| X | Not possess psychoactive substances | | | X | Not incur new credit charges | | | | | | |
| X | Submit to substance abuse testing | | | X | Take all mental health medications | | | | | | |
| OTHER: | | | | | | | | | | | |
| Fine: | \$ | 0.00 | | | Restitution: | \$ | Open for 90 days | | | | |
| SPA: | \$ | 100.00 (\$100) as to each Count | | | Payment Schedule: | X | Due Imm. | | | Waived | |
| OTHER: | | | | | | | | | | | |
| X | Advised of Right to Appeal | | | Waived Appeal Rights per Plea Agreement | | | | | | | |
| X | Held in Custody | | | Voluntary Surrender | | | | | | | |
| X | Recommended place(s) of incarceration: | | | FCI Carswell | | | | | | | |
| Dismissed Counts: | | | | | | | | | | | |
| OTHER COMMENTS: | | | | Ms. Porter objects to portion of PSR that defendant was suicidal and purposely ran her car into the victim. Ms. Dimas calls Navajo Nation Criminal Investigator Larry Etsitty/Sworn – conducts direct | | | | | | | |

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| | <p>examination.</p> <p>Ms. Porter conducts cross examination on Mr. Etsitty.</p> <p>Ms. Dimas conducts re-direct examination of Mr. Etsitty.</p> <p>Ms. Porter calls Private Investigator Craig Martin/Sworn – conducts direct examination of Mr. Martin.</p> <p>Ms. Dimas conducts cross examination of Mr. Martin.</p> <p>Court finds that defendant was negligent and careless – evidence does not support that defendant was trying to commit suicide by running into victim’s car – denies request for upward variance – denies request for downward variance.</p> <p>Defendant addresses Court.</p> <p>M. Yazzie (victim’s wife) addresses Court.</p> <p>M. Yazzie (victim’s brother) addresses Court.</p> <p>Ms. Porter requests self-surrender for opportunity to visit family and children before incarceration.</p> <p>Ms. Dimas opposes release.</p> <p>Court denies request for voluntary surrender.</p> |
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